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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/735,006 12/12/00 HORNER

P 0788,0005

EXAMINER

MM91/0628

NGUYEN, P

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AKRON OH 44333-1343

ART UNIT

PAPER NUMBER

2833

DATE MAILED:

06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/735,006

Applicant(s)

HORNER, PATRICK L.

Examiner

Phuongchi T Nguyen

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claims 10-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a dummy plug for use with an associated wiring harness, classified in class 439, subclass 587.
- II. Claims 10-14, drawn to method of making a dummy plug, classified in class 29, subclass 845.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, there is no need to provide the method of inserting a dummy plug into the connector cavity. The product as claimed can be made by a materially different process such as casting or compressing.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Mr. Daniel A. Thomson on June 26 2001, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Specification

5. Numeral reference "60" and "38" are shown in figures 10 and 11; however, numeral reference "60" and "38" do not appear to be identified in the specification. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP374482 in view of Fleshman (US4886471) and Bushek (US6039685).

In regards to claim 1, JP374482 discloses a dummy plug (A) for use with an associated wiring harness (B), the wiring harness (B) having a connector body (C), two connector cavities (D1 and D2), a flange (E) for securing the dummy plug (A) in place, the flange (E) having a top surface (S1) and a bottom surface (S2), a latch beam (F), two latch arms, a first length (L1), a spacer (G), and a perimeter seal (H), the perimeter seal (H) having two latch arm openings for receiving the latch arms, the dummy plug (A) comprising a head (12a); multiple ribs (12), the multiple ribs

(12) having a first width (W1); a stem (10), the stem (10) having a second width (W2), the second width (W2) being less than the first width (W1); a second end (11a), the second end (11a) having a third width (W3), the third width (W3) being less than the first width (W1) and greater than the second width (W2), the second end (11a) having a base (I), the base (I) being held in place by the associated bottom surface (S2); and a second length (L2), the second length (L2) being substantially the same as the associated first length (L1), such that the tip (11a) is substantially flush with the associated latch arm (K) (see Attachment 1). JP374482 discloses generally all that is claimed except for the 18-durometer silicon and a female end. However, in regards to 18 durometer, Fleshman teaches the plug connector body having about 50-70 durometer (Column 8, line 47); and in regards to a plug connector made of silicon, Bushek teaches the plug connector being made of silicon (Column 7, lines 3-4). It would have been an obvious matter of design to provide the dummy plug of JP374482 by having the number durometers on the dummy plug as taught by Fleshman for the purpose of the user needs (see Column 4, lines 22-24); by having a silicon as taught Bushek to perform the sealing function of the dummy plug; and by modifying the second end of JP374482 to be a female end for receiving a male pin, since applicant has not disclosed the reason why the female end needs to have a space to receive a male pin. The female pin does not solve any stated problem or is for any particular purpose. Therefore, the female end of Applicant appears to perform equally well with the second end of JP374482.

Claims 8 and 9 are rejected for the same reason of claim 1.

8. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP374482.

In regards to claim 2, JP374482 discloses a dummy plug (A) for use with an associated

wiring harness having a first length (L1), a latch beam (F), and a latch arm (K), the dummy plug (A) comprising a first end; an second end; and a second length (L2), the second length (L2) being substantially the same as the associated first length (L1) (see Attachment 1). JP374482 lacks a female end. It would have been an obvious matter of design to modify the second end of JP374482 to be a female end for receiving a male pin, since applicant has not disclosed the reason why the female end needs to have a space to receive a male pin. The female pin does not solve any stated problem or is for any particular purpose. Therefore, the female end of Applicant appears to perform equally well with the second end of JP374482.

In regards to claim 3, JP374482 discloses the dummy plug (A) wherein the dummy plug (A) further comprises a head (12a); a stem (10); and a tip (11a) (see Attachment 1).

In regards to claim 4, JP374482 discloses the dummy plug (A) wherein the stem (10) has a second width (W2), the tip (11a) has a third width (W3), the third width (W3) being greater than the second width (W2) (see Attachment 1).

In regards to claim 5, JP374482 discloses the dummy plug (A) wherein the first end (N1) has a first width (W1), the first width (W1) being greater than the third width (W3) (see Attachment 1).

In regards to claim 6, JP374482 discloses the dummy plug (A) wherein the associated wiring harness has a flange (E), the flange (E) having a top surface (S1) and a bottom surface (S2), the tip (11a) of the dummy plug (A) further comprising a base (I), the base (I) being held in place by the associated bottom surface (S2) (see Attachment 1).

In regards to claim 7, JP374482 discloses the dummy plug (A) wherein the dummy plug (A) has multiple ribs (12) (see Attachment 1).


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PhuongChi Nguyen whose telephone number is (703) 305-0729. The examiner can normally be reach on Monday through Thursday from 8:AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Austin Bradley, can be reached on (703)308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

PCN

June 26, 2001.


Gary Paumen
Primary Examiner